

Atty Dkt. No.: CORA-011
USSN: 09/648,282

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-2, 4, 6, 7, 9, 12-19, 21, 22, 24-29, 31 and 33-50 the only claims pending and currently under examination in this application.

The specification has been amended to correct for obvious typographical errors. Claim 1 has been amended to specifically refer to the metered fluid dispensing means. Claim 1 is further amended to describe the cartridge as configured to meter fluid from the reservoirs into a multi-lumen catheter. Support for this amendment can be found throughout the specifications and claims, and specifically on page 5, line 24 to page 6, line 10. As the above amendments introduce no new matter to the application, their entry by the Examiner is respectfully requested.

It is noted that the amendments have been introduced solely in order to expedite allowance of the present application and in no way represents acquiescence on the part of the Applicant with any position of the office presented in the Office Action. The Applicant expressly reserves the right to the pursue claims of the pre-amended scope in a continuation application.

The Applicants thank the Examiner for allowing Claims 6, 7, 9, 12-19, 21, 22, 24-29, 31, and 33-50.

Claims 1-2, and 4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Johansson. As stated in MPEP § 2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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In maintaining the rejection over Johansson, the Examiner argues that "Johansson teaches introduction of both fluids at the same time and at the same pressure, using a catheter with 2-3 lumens hence the catheter once carrying the fluids will contain and act as a reservoir for both fluids."

As such, the Examiner equates the loaded multi-lumen catheter to the cartridge element of the present claims.

As amended, Claim 1 recites that the cartridge is configured to meter fluid from the reservoirs of the cartridge into a multi-lumen catheter. As such, the cartridge element as claimed is distinguished from a multi-lumen catheter, since the cartridge is configured to meter fluid to a multi-lumen catheter.

Accordingly, the rejection of Claims 1-2, and 4 as anticipated under 35 U.S.C. § 102(e) by Johansson may be withdrawn.

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Conclusion

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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Date: 7.29.05

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